

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL SLINKER,

Petitioner,

v.

Case No. 06-C-390

JEFFREY ENDICOTT, Warden,
Redgranite Correctional Institution,

Respondent.

ORDER ON RULE 4 REVIEW

On April 3, 2006, the petitioner, Michael Slinker ("Slinker"), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. According to his petition, Slinker was convicted on June 5, 2000, in the Sheboygan County Circuit Court of two counts of First Degree Sexual Assault of a Child, contrary to Wis. Stats. §949.02(1). Slinker was sentenced to twenty years imprisonment on count one and twenty years probation, along with a stayed twenty-five year term of imprisonment, on count two. Slinker's conviction and sentence were affirmed by the Wisconsin Court of Appeals on September 8, 2004 and the Wisconsin Supreme Court denied review on January 11, 2005. Slinker did not petition the United States Supreme Court for a writ of certiorari.

Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts states that:

The clerk must promptly forward the petition to a judge under the court's assignment procedure, and the judge must promptly examine it. If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner. If the petition is not dismissed, the judge must order the respondent

to file an answer, motion, or other response within a fixed time, or to take other action the judge may order. In every case, the clerk must serve a copy of the petition and any order on the respondent and on the attorney general or other appropriate officer of the state involved.

I cannot say from Slinker's petition that he is not entitled to relief in the district court. Therefore, the respondent will be ordered to file an answer to the petition. Slinker's petition sets forth his claims in detail and incorporates legal argument. With that in mind, in my opinion the most efficient means by which to resolve this matter is to have the respondent answer the petition and then file a brief addressing Slinker's petition. Slinker will then be afforded an opportunity to file a reply brief in support of his petition. The following dates will therefore govern the further processing of this action.

NOW THEREFORE IT IS ORDERED that on or before May 22, 2006, the respondent shall file an answer to the petition;

IT IS FURTHER ORDERED that on or before July 24, 2006, the respondent shall file a brief in response to the petitioner's petition;

IT IS FURTHER ORDERED that on or before August 31, 2006, the petitioner shall file a brief in reply to the respondent's brief;

SO ORDERED this 6th day of April 2006, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge